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GOVERNMENT OF INDIA

MINISTRY OF LAW

(Reforms)

NOTIFICATION

New Delhi, the 6th October 1947

No. G. G. O. 21.—The following Order made by the Governor-General is published for general information :

THE INDIA PROVISIONAL CONSTITUTION (SECOND AMENDMENT) ORDER, 1947.

WHEREAS in the exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, the Governor-General was pleased to make the India (Provisional Constitution) Order, 1947 (hereinafter referred to as "the principal Order");

AND WHEREAS sub-section (5) of section 19 of the said Act provides that any power conferred by that Act to make any order includes power to revoke or vary any order previously made in the exercise of that power;

AND WHEREAS sub-section (3) of section 9 of the said Act provides that any order made under that section may be made so as to be retrospective to any date not earlier than the third day of June, 1947;

Now, THEREFORE, in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order :—

1. (1) This Order may be cited as the India Provisional Constitution (Second Amendment) Order, 1947.

(2) It shall be deemed to have effect from the fifteenth day of August, 1947.

2. The Schedule to the principal Order shall be amended by inserting in the list of adaptations pertaining to the Government of India Act, 1935, —

(a) before the entry relating to paragraph 20 of the Fifth Schedule to the said Act, the following entry :—

“ To paragraph 19, add :—

‘ For the purposes of this paragraph, a person shall be deemed to be a native of India or Pakistan or an Indian State if, and only if, he is a person domiciled in India, Pakistan or an Indian State and born of parents habitually resident in the territories comprised therein and not established there for temporary purposes only.’ ” : and

(b) after the entry relating to sections 312 to 320 of the said Act, the following entries :—

Section	Adaptations
19	In sub-section (2), for “ Governor-General ” substitute “ President of the Dominion Legislature ”.
22	To sub-section (4), add the following :— “ Any reference in this Act to the President of the Dominion Legislature shall, except in sections 19 and 38, be construed as including a reference to any other person elected by the Constituent Assembly to preside over that Assembly when it functions as the Dominion Legislature under this Act.”
49	In sub-section (1), for “ Federal ” substitute “ Dominion Legislature ”.
107	In the proviso to sub-section (2), omit “ either Chamber of ”.
137	In the proviso, for “ Federal purposes ” substitute “ Dominion purposes ”.
141	In sub-section (1), omit “ either Chamber of ”.
150	In sub-section (2), for “ Federal ” substitute “ Dominion Legislature ”.
166	In sub-section (1), for “ His Majesty ” substitute “ the Governor-General ”.
176	In sub-section (1), for “ Federal ” substitute “ Dominion Legislature ”.
178	In sub-section (3), for “ Federal ” substitute “ Dominion Legislature ”.
220	In clause (c) of sub-section (3), omit “ British ”.
225	For “ Federal ” substitute “ Dominion ”.
226	In sub-section (2), for “ in a Chamber of the Federal or a Provincial Legislature ” substitute “ in the Dominion Legislature or in a Chamber of a Provincial Legislature ”.
242	In sub-section (4), for “ said section ” substitute “ last preceding section ”.

Section	Adaptation
296	In sub-section (1), for "Federal or" substitute "Dominion Legislature or of".
299	In sub-section (2), for "Federal" substitute "Dominion Legislature".
304	Omit "by His Majesty".
311	In sub-section (2), in the definition of "estate duty", for "Federal" substitute "Dominion".

MOUNTBATTEN OF BURMA,
Governor-General.

K. V. K. SUNDARAM,
Secretary.

